

**FILED**

## UNITED STATES COURT OF APPEALS

JUN 17 2016

## FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY P. BURLESON,

Defendant - Appellant.

No. 16-10207

D.C. No. 2:16-cr-00046-GMN-  
PAL-16District of Nevada,  
Las Vegas

ORDER

Before: O'SCANNLAIN, CLIFTON, and WATFORD, Circuit Judges.

This is an appeal from the district court's pretrial detention order. We have jurisdiction pursuant to 18 U.S.C. § 3145(c) and 28 U.S.C. § 1291.

Appellant's motion to supplement the record on appeal (Docket Entry No. 3) is granted.

We review the district court's factual findings concerning risk of flight and the danger that appellant poses to the community under a "deferential, clearly erroneous standard." *United States v. Hir*, 517 F.3d 1081, 1086 (9th Cir. 2008); *United States v. Townsend*, 897 F.2d 989, 994 (9th Cir. 1990). The conclusions based on such factual findings, however, present a mixed question of fact and law. *Hir*, 517 F.3d at 1086. Thus, "the question of whether the district court's factual

determinations justify the pretrial detention order is reviewed de novo.” *Id.* at 1086-87 (citations omitted).

The district court correctly found that the government has met its burden of showing, by a preponderance of the evidence, that “no condition or combination of conditions will reasonably assure the [defendant’s] appearance,” 18 U.S.C. §3142(e), and that appellant therefore poses a risk of flight. *See United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985). The district court also correctly found that the government has met its burden of showing, by clear and convincing evidence, that “no condition or combination of conditions will reasonably assure . . . the safety of . . . the community,” 18 U.S.C. § 3142(e), and that appellant therefore poses a danger to the community. *See Hir*, 517 F.3d at 1094.

We therefore affirm the district court’s pretrial detention order.

**AFFIRMED.**